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| 10/669,287 | 09/24/2003 | Gary Karlin Michelson | 101.0092-02000 | 6591 |
| 22882 | 7590 | 06/26/2009 | | |
| MARTIN & FERRARO, LLP 1557 LAKE O'PINES STREET, NE HARTVILLE, OH 44632 | | | EXAMINER SNOW, BRUCE EDWARD | |
| | | | ART UNIT 3738 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GARY KARLIN MICHELSON

Application No. 10/669,287
Technology Center 3700

Mailed: June 26, 2009

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*
ZELE, *Deputy Chief Appeals Administrator*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on June 09, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

On September 24, 2003, an Information Disclosure Statement was filed in the present application. It is apparent from the record that the Examiner has not yet

considered the submitted Information Disclosure Statement. The Information Disclosure Statement should be considered by the primary Examiner for compliance with 37 C.F.R. §§ 1.197 and 1.198. The Examiner should take appropriate action therewith. A communication notifying the Appellants of the primary Examiner's decision should be prepared and mailed. It is appropriate that the necessary consideration and processing of the Information Disclosure Statement occur prior to a rendering of a decision in this appeal.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to properly consider the Information Disclosure Statement submitted to the USPTO on September 24, 2003, by either initialing the references, or by drawing a line through the references not considered; and,
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/rwk

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